Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Text

CONFIDENTIAL

PAGE 01 USBERL 00065 071526Z
ACTION EUR-12

INFO OCT-01 ISO-00 L-03 SS-15 NSC-05 INR-07 CIAE-00 VO-03
SCA-01 PRS-01 SP-02 IO-13 PM-04 DODE-00 USIA-06 SAJ-01
ACDA-07 /081 W
----------071622Z 104597 /65L
R 071410Z JAN 77
FM USMISSION USBERLIN
TO AMEMBASSY BONN
INFO SECSTATE WASHDC 3760
AMEMBASSY BERLIN UNN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO

C O N F I D E N T I A L USBERLIN 0065

E.O.11652: GDS
TAGS: PFOR, PGOV, WB, GE, UR
SUBJECT: ALLIED RESPONSES TO GDR VISA MEASURES

REFS: (A) BONN 243; (B) STATE 2497; (C) USBERLIN 23;
(D) USBERLIN 35; (E) PARIS 407; (F) BERLIN 5034;
(G) USBERLIN 54

1. SUMMARY. WE APPRECIATE EMBASSY OBTAINING PRELIMINARY VIEWS OF OTHER BONN GROUP MEMBERS ON OUR SO-CALLED COUNTER-MEASURES PROPOSAL. PERHAPS THE CHOICE OF WORDS WAS UN-FORTUNATE, SINCE WE ARE NOT PROPOSING A COUNTERMEASURE SO MUCH AS ESTABLISHING A LINKAGE BETWEEN SOMETHING THE OTHER SIDE HAS DONE AND SOMETHING WE IN ANY EVENT PROPOSE TO DO. WE ARE SEEKING TO ENERGIZE FRENCH AND BRITISH MISSIONS HERE INTO STUDYING MATTER ON AN URGENT BASIS WITH A VIEW TO MAKING EARLY RECOMMENDATIONS TO EMBASSIES SO THAT, SHOULD IT BE AGREED AS DESIRABLE, WE MIGHT BE IN A POSITION TO MAKE A FOLLOW-UP APPROACH
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USBERL 00065 071526Z

TO THE SOVIETS ALONG THE LINES DESCRIBED PARAS 5 - 6
REF C WITHIN THE NEXT WEEK OR SO. END SUMMARY.

2. IT IS REGRETTABLE THAT APPARENTLY NEITHER BRITISH NOR FRENCH MISSION HAVE KEPT THEIR EMBASSIES INFORMED OF STATUS OF BKXO(67)7 REVISION AND NEED TO ANSWER SOVIET VISA COMPLAINT. SINCE FRENCH PREVIOUSLY

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

HAD NOT BEEN SEIZED WITH MATTER, HOWEVER, WE HOPE
THAT THEY WILL NOT COME TO CONCLUSION AFTER
FURTHER DELIBERATION THAT BEST MANNER IN WHICH TO
RESPOND TO SOVIET/GDR SALAMI TACTICS IS TO SPEAK
STRONG WORDS BUT REFRAIN FROM DOING ANYTHING.
WHILE THESE SALAMI TACTICS DO NOT IMMEDIATELY AFFECT
ALLIED RIGHTS IN EAST BERLIN, THEY WOULD EVENTUALLY
ISOLATE AND EXPOSE THEM. WE WILL ATTEMPT TO MAKE CLEAR
TO FRENCH MISSION THAT WE ARE NOT CONSIDERING ENGAGING
IN A RETALIATORY FIGHT WITH SOVIETS ON FREEDOM OF
MOVEMENT WHICH BOISSIEU AND QUAI FEAR. WE WOULD
AGREE THAT SOVIETS HAVE BIGGER CARDS TO PLAY ON
ACCESS QUESTIONS THAN WE HAVE. WE ARE MERELY PROPOSING
TO DEAL WITH QUESTION OF PRIVILEGES WHICH NON-
OFFICIAL SOVIETS AND EASTERN EUROPEANS HAVE IN AREA
OF LONG-TERM RESIDENCE IN WESTERN SECTORS AND WHICH
ARE CONSIDERABLY MORE LIBERAL THAN ANYTHING PRIVATE
AMERICANS, BRITISH OR FRENCH HAD IN EAST BERLIN
EVEN BEFORE JANUARY 1. WE ARE NOT PROPOSING ANY
CHANGE IN RIGHTS OF ACCESS TO OR FREE MOVEMENT IN
WEST BERLIN.

3. FURTHERMORE, WE DID NOT CREATE ISSUE OF BK/O(67)7
LOOPHOLE OR VISA PRACTICES WITH RESPECT TO PRIVATE
SOVIETS AND EASTERN EUROPEANS WHO WISH TO STAY MORE
THAN 31 DAYS. SOVIETS BROUGHT UP BOTH MATTERS AND
CHOSE TO GO AROUND US IN CASE INVOLVING PRIVATE
SOVIET NATIONALS AFTER WE HAD EXPLAINED LAW TO THEM.
THERE HAVE NOT HITHERTO BEEN MANY PRACTICAL PROBLEMS
CONFIDENTIAL

WITH SOVIETS OR EASTERN EUROPEANS STAYING BEYOND 31
DAYS. CLOSING LOOPHOLE IN ORDER TO MAINTAIN ORIGINAL PRUPOSE
OF BK/O AND RECONFIRMING VISA REQUIREMENTS THUS SHOULD NOT
NEGATE PRACTICAL ADVANTAGES TO CITY WHICH BK/O
WAS DESIGNED TO PRODUCE. SINCE SOVIETS
HAVE MADE AN ISSUE OF IT, HOWEVER, QUESTION IS WHAT
LESSONS DO WE WISH THEM TO DRAW FROM OUR REACTION.
WE THINK IT IS FORTUITOUS THAT WE HAVE BEEN PRESENTED
WITH AN OPPORTUNITY TO DEMAONSTRATE THAT THERE CAN
BE SOME PRACTICAL DISADVANTAGES TO SOVIETS IF THEY
CONTINUE TO PERMIT GDR TO PURSUE ITS ACTIONS OF PAST
FEW DAYS. WERE WE TO BACK DOWN ULTIMATELY EVEN ON
QUESTION OF BK/O LOOPHOLE, AS BOISSIEU HAS INTIMATED,
WE WOULD ENCOURAGE SOVIETS IN PRESUMPTION THAT THEY
HAVE FREE REIN IN WESTERN SECTORS.

4. NEW DEVELOPMENT POSED BY GDR'S APPARENT DESIRE
TO TEST WATER AND DETERMINE IF IT CAN GET AWAY WITH
DISPOSING OF EAST BERLIN MANTELGESETZ PROCEDURE SHOULD

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

ALSO BE CONSIDERED. IF ANALYSIS WHICH WE HAVE
HEARD FROM FRG REP IN EAST BERLIN (REF F) AND FROM INNER-
GERMAN MINISTRY EXPERT IN WEST BERLIN (REF G) IS CORRECT,
AS WE EXPECT IT IS, GDR AND SOVIETS WILL WEIGH FIRMNESS OF
OUR REASPONSE BEFORE DECIDING IF THEY CAN TAKE THIS NEXT STEP.
BOTH SOVIETS AND GDR MUST HAVE CALCULATED THAT LEAST
WE COULD DO WOULD BE TO MAKE A PUBLIC STATEMENT AND TO
DELIVER A PROTEST. IF WE RESTRICT OURSELF TO THESE
STEPS, AND PARTICULARLY IF OUR PROTEST IS DELIVERED AT
BERLIN AS OPPOSED TO CAPITALS OR MOSCOW LEVEL, THEY
MAY WELL CONCLUDE THAT WE HAVE NOT PASSED THIS TEST
AND THAT WAY IS CLEAR TO DECLARE COMPETENCE OF VOLKS-
KAMMER TO LEGISLATE DIRECTLY FOR EAST BERLIN. THIS
STRENGHTENS ARGUMENT, WE FEEL, FOR OUR BEING IN A
POSITION TO ACT ON BK/O COMPLEX SOON, AND WE
ACCORDINGLY WILL TRY TO ACHIEVE AND REPORT JOINT MISSION
RECOMMENDATIONS EARLY NEXT WEEK.
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 USBERL 00065 071526Z

5. FOR EMBASSY'S BACKGROUND, WE WOULD LIKE TO CORRECT
MISAPPREHENSION WHICH SENAT REP MEICHSNER EXPRESSED AT RECENT
GONN GROUP MEETING (REF A). BK/O(67)7 PROCDURE IS AVAILABLE
TO SOVIET AND EASTERN EUROPEAN VISITORS SUCH AS EXCHANGE
PROFESSORS ONLY IF THEY WISH TO STAY 31 DAYS OF LESS. IF SUCH
A PRIVATE SOVIET WISHES TO STAY IN WESTERN SECTORS FOR MORE
THAN 31 DAYS, HE HAS AVAILABLE TO HIM OPTION EITHER OF
OBTAINING A VISA THROUGH FRG EMBASSY PURSUANT TO GERMAN
PASSPORT LAW OR OF APPLYING AT START OF HIS VISIT FOR AN
ATO VISITOR'S PERMIT UNDER PROCEDURES OUTLINED IN BK/L(67)15.
THIS LATTER POSSIBLITY IS, HOWEVER, NOT AVAILABLE TO EASTERN
EUROPEANS. ONLY WAY FOR THEM TO STAY LEGALLY MORE THAN 31 DAYS
(OTHER THAN BY SEIZING UPON LOOPHOLE IN BK/O WHICH
SOVIETS POINTED OUT TO US AND AND CHOSE TO UTILIZE IN
DECEMBER) IS AND HAS ALWAYS BEEN TO OBTAIN A REGULAR
RESIDENCE PERMIT WHICH REQUIRES THEM FIRST TO OBTAIN
A VISA. WE THUS SEE NO BASIS FOR MEICHSNER'S CONCERN,.
PARTICULARLY SINCE PROPOSED AMENDMENT OF BK/O WOULD
PROVIDE TO EXTEND VISIT BEYOND 31 DAYS BY WAIVING
PART OF ALL FO TWO-MONTH WAITING PERIOD IN A CASE
WHERE ALLIES DETERMINED THAT CONTINUED RESIDENCE OF
INDIVIDUAL WAS IN ALLIED INTEREST.

6. WE HAVE, INCIDENTALLY, LOOKED INTO QUESTION OF
HOW OFTEN SPECIAL VISITOR'S PERMIT PRIVILEGE HAS
BEEN USED BY SOVIETS IN ORDER TO DETERMINE WHAT
PRACITCAL EFFECT A RESTRICTION OR REVOCATION OF
THIS PRIVILEGE MIGHT ENTAIL. ATO HAS ISSUED 78 SUCH
PERMITS IN PAST EIGHT YEARS WITH 1976 HAVING A LOW
OF FIVE. PERSONS TAKING ADVANTAGE OF THIS PRIVLEGE

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

HAVE BEEN PRIMARILY PROFESSORS OF SORT ALLUDED TO BY MEICHSNER OR PENSIONERS VISITING RELATIVES. WERE PRIVLEGE TO BE REVOKED, WHICH IS SOMETHING WE HAVE SUGGESTED ONLY BE MENTIONED TO SOVIETS AT THIS STAGE AS A POSSIBILITY WE MIGHT EVENTUALLY HAVE TO CONSIDER, CONFIDENTIAL

CONFIDENTIAL

PAGE 05 USBERL 00065 071526Z

THESE PEOPLE WOULD EITHER HAVE TO LEAVE AFTER 31 DAYS, APPLY FOR AN EXTENSION UNDER PROPOSED REVISED BK/O(67)7, OR OBTAIN A VISA. DAVIS

CONFIDENTIAL

NNN

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: BERLIN ACCESS, DEMARCHE, BERLIN QUADRIPARTITE MATTERS, TRAVEL CONTROLS, GOVERNMENT REACTIONS, VISA REGULATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 07-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977USBERL00065
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770007-0306
Format: TEL
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770169/aaaacitp.tel
Line Count: 184
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 3d09b7db-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 BONN 243, 77 STATE 2497, 77 USBERLIN 23, 77 USBERLIN 35, 77 PARIS 407, 77 BERLIN 5034
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 02-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3638715
Secure: OPEN
Status: NATIVE
Subject: ALLIED RESPONSES TO GDR VISA MEASURES
TAGS: PFOR, PGOV, WB, GC, UR, US
To: BONN
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/3d09b7db-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009